



June 23, 1999

Ms. Ellen M. Salyers
Assistant District Attorney
Comal County District Attorney's Office
150 North Seguin, Suite 307
New Braunfels, Texas 78130-5161

OR99-1731

Dear Ms. Salyers:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127088.

The Comal County Commissioners' Court (the "county") received two requests for various categories of information, including a written transcript from the executive session of the commissioners' court pertaining to the grievance hearing of an employee. You assert that the requested transcript from the executive session is exempt from disclosure under section 551.104(c) of the Government Code. Furthermore, you assert that certain documents are excepted from public disclosure by section 552.107 of the Government Code. You have stated that you will provide the requestors with the requested information responsive to the other enumerated requests.

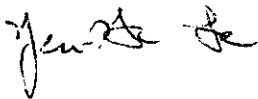
Section 552.101 of the Government Code excepts from disclosure information deemed confidential by law. Section 551.104(c) of the Government Code provides that "[t]he certified agenda or tape of a closed meeting is available for public inspection and copying *only under a court order issued under Subsection (b)(3).*" (Emphasis added.) Thus, such information cannot be released to a member of the public in response to an open records request. See Open Records Decision No. 495 (1988). The county must withhold the requested transcript from public disclosure under section 552.101 of the Government Code in conjunction with section 551.104(c) of the Government Code.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only "privileged information," that is, information

that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions; it does not apply to all client information held by a governmental body's attorney. Open Records Decision No. 574 at 5 (1990). You have provided one of the requestors with "a copy of the final correspondence that was sent out by [Tom] Hornseth." We agree that some of the submitted information is excepted from disclosure by section 552.107 as confidential client communications and an attorney's legal advice. We have marked the information that must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Yen-Ha Le", with a stylized flourish at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 127088

Encl.: Marked documents

cc: Ms. Monica M. Wallace
P.O. Box 455
McQueeney, Texas 78123
(w/o enclosures)

Ms. Patricia M. Kniss
1206 N. Walnut
New Braunfels, Texas 78130
(w/o enclosures)